

UNITED STATES DISTRICT COURT

for the
District of Arizona

10/24/17
United States of America)

v.)

Juan Luis Cortes-Perez)

(A205 913 947))

Defendant)

Case No. 17-482MTS)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of October 24, 2017, in the County of Pinal, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), a felony, and Title 8, U.S.C. § 1325(a)(2), a class B misdemeanor, an offense described as follows:

See Attachment A Incorporated By Reference Herein

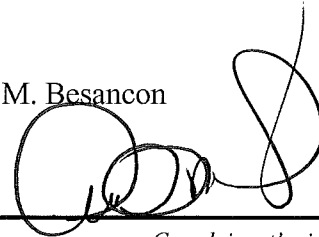
I further state that I am a Border Patrol agent with U.S. Customs and Border Protection.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

REVIEWED BY: AUSA Natalie B. Huddleston for AUSA Jillian M. Besancon

☒ Continued on the attached sheet.



Complainant's signature

Albert A. Martinez

U.S. Border Patrol Agent

Printed name and title

Reviewed, approved, and signed in person.

Date: October 25, 2017



Judge's signature

City and state: Phoenix, AZ

Michelle H. Burns
United States Magistrate Judge

Printed name and title

ATTACHMENT A

Count 1

On or about October 24, 2017, Juan Luis Cortes-Perez, an alien, was found in the United States of America at or near Casa Grande, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Del Rio, Texas, on or about March 29, 2013, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), a felony.

Count 2

On or about October 24, 2017, at or near Casa Grande, in the District of Arizona, Juan Luis Cortes-Perez, an alien, did elude the examination or inspection by immigration officers in violation of Title 8, United States Code, Section 1325(a)(2), a class B misdemeanor.

STATEMENT OF PROBABLE CAUSE

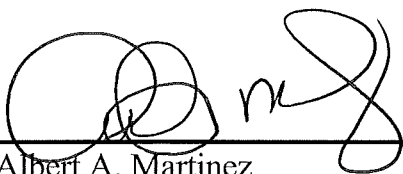
I, Albert A. Martinez, being duly sworn, hereby depose and state as follows:

1. Your affiant is a United States Border Patrol agent. I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On October 24, 2017, Border Patrol Agent Samaniego encountered an individual near Casa Grande, in the District of Arizona. The agent identified himself as a Border Patrol agent and performed an immigration inspection on the individual. The individual, later identified as Juan Luis Cortes-Perez, admitted to being a citizen and national of a country other than the United States, unlawfully present in the United States. Cortes-Perez was transported to the Casa Grande Border Patrol Station for further processing. Cortes-Perez was held in administrative custody until his identity could be confirmed along with his immigration and criminal history.
3. Immigration history checks revealed Juan Luis Cortes-Perez to be a citizen of Mexico and a previously deported alien. Cortes-Perez was removed from the United States to Mexico through Del Rio, Texas, on or about March 29, 2013, pursuant to a removal order issued by an immigration official. There is no record of Cortes-Perez in any Department of Homeland Security database to suggest that he obtained permission

from the Secretary of the Department of Homeland Security to return to the United States after his removal.


4. Furthermore, there is no record of Cortes-Perez in any Department of Homeland Security database to suggest that after his last removal from the United States he entered the United States at an official Port of Entry. Had Cortes-Perez presented himself at a Port of Entry, Department of Homeland Security records likely would reveal that information. Accordingly, your affiant believes that Cortes-Perez entered the United States at a location not designated as an official Port of Entry, and thereby eluded examination and inspection by Immigration Officers of the United States. Cortes-Perez's immigration history was matched to him by electronic fingerprint comparison.
5. On October 24, 2017, Juan Luis Cortes-Perez was advised of his constitutional rights. Cortes-Perez freely and willingly acknowledged his rights and agreed to answer questions or provide a statement under oath. Cortes-Perez stated that his true and correct name is Juan Luis Cortes-Perez and that he is a citizen of Mexico. Cortes-Perez stated that he entered the United States illegally by walking through the desert near Lukeville, Arizona.

6. For these reasons, this affiant submits that there is probable cause to believe that on or about October 24, 2017, Juan Luis Cortes-Perez, an alien, was found in the United States of America at or near Casa Grande, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Del Rio, Texas, on or about March 29, 2013, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), a felony, and on or about October 24, 2017, at or near Casa Grande, in the District of Arizona, Juan Luis Cortes-Perez, an alien, did elude the examination or inspection by immigration officers in violation of Title 8, United States Code, Section 1325(a)(2), a class B misdemeanor.



Albert A. Martinez
United States Border Patrol Agent

Sworn to and subscribed before me
this 25th of October, 2017.



Michelle H. Burns
United States Magistrate Judge